

Sisk, Richard

From: Schmitttdiel, Paula
Sent: Thursday, April 11, 2013 1:23 PM
To: Lisa Farrell (lisa.farrell@ci.denver.co.us); celia.vanderloop@denvergov.org; Fonda Apostolopoulos; doug.jamison@state.co.us; Jennifer Robbins
Cc: Sisk, Richard; Chergo, Jennifer; Wharton, Steve; Murray, Bill; Hestmark, Martin; Stavnes, Sandra
Subject: Example of 2nd Notice of Environmental Conditions @ VB/I-70 - OU-01
Attachments: Example of 2nd Notice draft April 2013.docx



All – At our meeting last Friday, April 5th, EPA agreed to drafting an example of a second (2nd) Notice of Environmental Conditions that EPA could file on a property where the owner had previously been unresponsive to EPA's request for access to perform sampling and/or cleanup of the property during the remedial action at OU-01 of the VB/I-70 Superfund Site. Attached is an example of what a 2nd Notice could look like.

Of course, the particulars of the situation at each property could change such that it is premature to be wedded to this exact language. However, EPA believes that it would be appropriate to discuss the specific wording of a 2nd Notice with the City and State when such a situation actually presents itself in the future.

If you have questions, please feel free to contact me. Thank you.

Paula Schmitttdiel

Remedial Project Manager
U.S. Environmental Protection Agency
1595 Wynkoop St.
Denver, CO 80202
Office: 303-312-6861
Cell: 720-951-0795

When Recorded Return To:
Remedial Project Manager, EPR-SR
Vasquez Boulevard and Interstate 70 Superfund Site
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street, Denver, CO 80202

NOTICE OF ENVIRONMENTAL CONDITIONS

WHEREAS, [Name of Owner] is the owner of record of the real property (referred to as "the Property") located at [ADDRESS], Denver, Colorado [insert zip code], and more particularly described as follows:

(Insert legal description as shown in Denver records)

WHEREAS, the Property is within the boundaries of Operable Unit 1 of the Vasquez Boulevard and Interstate 70 Superfund Site (Site), as described in the Record of Decision (ROD) signed by United States Environmental Protection Agency (EPA) on September 25, 2003.

WHEREAS, on (Date), (reception number), EPA prepared and recorded a Notice of Potential Environmental Conditions to disclose potential environmental conditions of the Property to subsequent owners of the Property.

WHEREAS, EPA has received information regarding environmental conditions at this Property and EPA has prepared and recorded this Notice of Environmental Conditions ("Notice").

NOW, THEREFORE, NOTICE is hereby given that, as of the date of this Notice, the EPA has received information regarding environmental conditions for the above described Property and the Notice of Potential Environmental Conditions is hereby withdrawn in its entirety.

EPA obtained soil samples from over 4000 residential properties within the Site. Of this total, over 800 properties showed levels of lead and/or arsenic contamination that could present unacceptable risk to or make the property unsafe for children or adults. The levels at which EPA determined that lead and/or arsenic in soil present an unacceptable risk (the so-called "action levels" in the ROD) were 400 parts per million (ppm) or greater for lead and 70 ppm or greater for arsenic.

Subsequent to the recording of the Notice of Potential Environmental Conditions, the owner of the Property provided EPA or CDPHE a consent for access to sample the Property.

Sampling of the property soils were performed by [EPA or CDPHE] on [DATE]. The results from the sampling performed by [EPA or CDPHE] show lead and arsenic concentrations in the Property soils below the action levels.

EPA's records regarding the Property and the Site, may be requested from the U.S. Environmental Protection Agency, Region 8, Superfund Remedial Program, Remedial Project Manager, Vasquez Boulevard and Interstate 70 Superfund Site, 1595 Wynkoop Street, Denver, Colorado 80202..

For purposes of indexing in the County Clerk and Recorder's office Grantor-Grantee index only, {Name of Owner of Record} shall be considered the Grantor, and EPA shall be considered the Grantee; nothing in this Notice shall be construed to create or transfer any right, title or interest in the Property.

United States Environmental Protection Agency

By: _____

Date: _____

Bill Murray, Director
Superfund Remedial Program
U.S. Environmental Protection Agency
Region 8

State of Colorado)
) ss:
County of Denver)

Before me, a notary public, in and for said county and state, personally appeared Bill Murray, Director at the United States Environmental Protection Agency, who acknowledged to me that he did execute the foregoing instrument.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this ____ day of ____, 2013.

[SEAL]